THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.24862 of 2005

Dated:31st March, 2006

Between:

The Regional Manager, A.P.S.R.T.C,
Vijayawada & another

…..PETITIONER

AND

K.Rajababu, Asst. Depot Clerk,
A.P.S.R.T.C & another.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.24862 of 2005

ORDER:

Heard the learned Standing Counsel for the petitioners-APSRTC. Though notice is served, none appeared for the respondent No.1-Assistant Depot Clerk.

Respondent No.1, while working as Assistant Depot Clerk with petitioners, was removed from service. Assailing the order of removal, he filed I.D., which was allowed, with a direction to the petitioners to reinstate respondent No.1 into service as Assistant Depot Clerk with continuity of service, but without backwages. Respondent No.1 having joined service in pursuance of the award of the Labour Court, filed miscellaneous application for release of notional increments from the date of removal till the date of reinstatement. The Labour Court allowed the said application.

Assailing the said order of the Labour Court, the petitioners-APSRTC filed the writ petition *inter alia* contending that having regard to the judgment of the apex Court in **APSRTC v. Abdul Kareem** [1], wherein it was held that the workman is not entitled to any consequential relief on reinstatement as a matter of course, unless specially directed by forum granting reinstatement, the Labour Court Committed an error in allowing the application for release of notional increments, and more so when the Labour Court while passing the award, did not grant backwages.

Inasmuch as the Labour Court while directing reinstatement of respondent No.1 into service has not awarded any consequential benefits, except continuity of service, the Labour Court could not have allowed the miscellaneous application filed by the respondent No.1 praying release of notional increments, and having regard to the judgment of the apex Court in **APSRTC v. Abdul Kareem,** the order passed by the Labour Court, impugned in the writ petition, which directed release of notional increments to respondent No.1, cannot be sustained, and it is accordingly set aside.

Accordingly, the writ petition is allowed. No costs.

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(N.V. RAMANA, J.)

Date:31st March 2006.

GRK

Petitioner is the Depot Manager, A.P.S.R.T.C, Avanigadda Depot, filed this writ petition questioning the orders passed in a Miscellaneous Petition No.311 of 1999 filed by the 1st respondent under Section 33.C(2) of the I.D.Act wherein the 2nd respondent directed the petitioner herein to fix the pay of the 1st respondent after releasing notional increments for the period from the date of removal till the date of reinstatement.

The petitions have been filed by the workman who were removed on the cash and ticket irregularities and were subsequently reinstated by the award passed by the 2nd respondent/Labour Court. The petitioner has filed M.P.No.311 of 1999 seeking for difference of salary from 1-11-1997 to 1-10-1999 and for release of notional increments from the date of removal till the date of reinstatement. The said applications were allowed by the labour Court after the matter is contested and the labour court directed the petitioner corporation to fix the pay of the petitioner after releasing notional increments for the period from the date of removal till the date of reinstatement. The labour court also further directed to pay the arrears of pay within two months there-from. Hence, this writ petiton.

On 22-11-2005 notice before admission was ordered and the petitioner was permitted to take personal notice to the 1st respondent and file proof of service. Though notice was served none appeared for the workman.

The issue involved in this writ petition was considered by the Supreme Court in A.P.S.R.T.C,_____ reported in 2005 (6) SCC 36. The supreme Court held that until and unless there is a specific relief which was granted by the labour Court _____. In view of the settled law, according to the counsel this writ petition deserves to be allowed and accordingly it is allowed. No costs.

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[1] (2005) 6 SCC 36